

FIFTY-SIXTH DAY

(Thursday, April 18, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

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|-----------|-----------|
| Aikin | Lane |
| Bracewell | Lock |
| Bradshaw | Martin |
| Colson | Moffett |
| Fly | Moore |
| Fuller | Parkhouse |
| Gonzalez | Phillips |
| Hardeman | Reagan |
| Hazlewood | Roberts |
| Herring | Rogers |
| Hudson | Weinert |
| Kazen | Willis |
| Krueger | Wood |

Absent—Excused

| | |
|---------|---------|
| Ashley | Secrest |
| Owen | Smith |
| Ratliff | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was approved.

Leaves of Absence

Senator Secrest was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Fuller.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Ashley was granted leave of absence for today on account of important business on motion of Senator Fuller.

Senate Resolution 396

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 28 students of the 7th Grade of Blanco Elementary School of Blanco, Texas, accompanied by their teachers and sponsors, Mr. Robert Sooter and Mrs. Betty Stobaugh; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students, Mr. Sooter and Mrs. Stobaugh to the Members of the Senate.

Senate Resolution 397

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the following members of the Senior Class of the Hillsboro High School, Hillsboro, Texas: Sue Cunningham, Ella Smith, Virginia Morgan, Margie Dameron, Susanne Nelson, Jo Ann Guffy, Marjorie Standly, Bertha Mitchell, Pat Hill, John Standley Moore, Ronnie Carr, Bobby Payne, Dell Irvin, Gail Williams, Linda Hughes, Lyndal Dollar, Jo Ann Rowe, Peggy Walker, Kay Cowan, Patsy Pharris, Betty Riddlehuber, Dorothy Mercer, Sue Robertson, Dorothy Tekell, Milton Smith, Grady Graham, Gerald Thomas, Albert Vaquera, Melba Isbell, Patricia Muehlstein, Virginia Miller, Jo Ann Smith, Mike Curry, Joel Terry, Dean Paul Bennett, Kenneth Arnold, Jo Ed Dossey, Dennis Huddleston, Bobby Marshall, Bill Bond, Peggy Norton, Nancy Williford, Harry Wood, William Wind, Truman Clinard, Herman Pope, Gerald Nail, Gene Taylor, Bob-

by Mackey, Phelps Brown, Carl Ansley, John Simicek, Don Wood, Jimmy Morelock, Harry Reese, accompanied by their sponsors, Miss Blanche Hinds, Mrs. Roberta Dalton, Mr. and Mrs. James Roberts, Mr. and Mrs. Allen Triplett; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and sponsors to the Members of the Senate.

Senate Resolution 398

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 3rd grade class of Ridgetop School in Austin, Travis County, Texas, accompanied by their teachers, Mrs. Frances M. Hill and Miss Carolyn Howell; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed this class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 399

Senator Fuller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Harry Hampton and Mr. Chris Guy of Pt. Arthur, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and courtesies of the Senate floor for the day.

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented Mr. Hampton and Mr. Guy to the Members of the Senate.

Presentation of Guests

Senator Moffett by unanimous consent presented for Senator Ratliff the Senior Class of Patton Springs School of Afton, Texas, with their teachers to the Members of the Senate.

Presentation of Guests

Senator Kazen by unanimous consent presented for Senator Gonzalez 54 students of the Hillcrest Elementary School of San Antonio with sponsors and teacher to the Members of the Senate.

Presentation of Guests

Senator Aikin by unanimous consent presented Mr. Robinson of The Education Agency and Dr. Maroleam Hoetaeroek, Inspector of Senior High Schools, Djakarta, Indonesia, to the Members of the Senate.

Motion to Place Senate Bill on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members of the Senate)

Yeas—23

| | |
|-----------|-----------|
| Aikin | Lane |
| Bracewell | Lock |
| Bradshaw | Martin |
| Colson | Moffett |
| Fly | Moore |
| Fuller | Parkhouse |
| Hardeman | Reagan |
| Hazlewood | Roberts |
| Herring | Weinert |
| Hudson | Willis |
| Kazen | Wood |
| Krueger | |

Absent

| | |
|----------|--------|
| Gonzalez | Rogers |
| Phillips | |

Absent—Excused

| | |
|---------|---------|
| Ashley | Secrest |
| Owen | Smith |
| Ratliff | |

At Ease

On motion of Senator Lane and by unanimous consent, the Senate stood At Ease at 11:13 o'clock a.m. for five minutes for a meeting of the Committee on State Affairs.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:18 o'clock a.m.

Report of Standing Committee

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
April 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 457, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

House Bill 79 on Second Reading

The President laid before the Senate as special order H. B. No. 79 on its second reading with an amendment by Senator Krueger pending.

Question—Shall the amendment by Senator Krueger be adopted?

By unanimous consent the amendment by Senator Krueger was withdrawn.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 79 by adding a new section to be known and numbered as Section 7(a), which shall read as follows:

"Section 7(a). That Section 27(a) of Chapter 325, Acts of the 50th Legislature, 1947 (Vernon's Ann. Civ. St., Article 1269m, Section 27(a)), be and the same is hereby amended to read as follows:

"Section 27(a). Provided, however, that the provisions of this Act as amended by this H. B. 79, passed at the 55th Regular Session of the Legislature, shall not apply to any city unless such city has already adopted and has in effect the provisions of this Act before the effective date of this amending Act, or unless first determined at an election at which the adoption or rejection of this Act shall be submitted. Upon receiving a petition signed by qualified voters in said city in number not less than ten per cent (10%) of the total number voting in the last preceding municipal election, the governing body of said city shall call an election within sixty (60) days after said petition has been filed with governing body. If at said election a majority of the votes cast shall favor the adoption of this Act, said governing body shall put such Act into effect within thirty (30) days after the beginning of the first fiscal year of said city after said election. The question shall be submitted for the vote of the qualified electors as follows:

'FOR the adoption of the Firemen's and Policemen's Civil Service Act'

'AGAINST the adoption of the Firemen's and Policemen's Civil Service Act'

"When an election has been held in a city pursuant to the provisions of this Article, a petition for another such election shall not be filed for at least one year subsequent to the election so held."

The amendment was read.

Senator Fly offered the following

substitute for the amendment by Senator Hazlewood:

Amend House Bill No. 79 Engrossed Rider by striking out Sections 8 and 9 thereof, and substituting therefor the following:

"Section 8. That Section 27(a) of Chapter 325, Acts of the 50th Legislature, 1947 (Vernon's Ann. Civ. St., Article 1269m, Section 27(a)), be and the same is hereby amended to read as follows:

"Section 27(a). Provided, however, that the provisions of this Act shall never apply to any city until the Act has been first adopted by the governing body of said city and determined at an election at which the adoption or rejection of the provisions of this Act has been submitted in accordance with the State Law and the City Charter; and provided further that the provisions of any amendment to this Act shall never apply to any city until the amendment (and specifically the amendments provided for by House Bill No. 79, Acts, 55th Legislature, 1957) has been first adopted by the governing body of said city or determined at an election at which the adoption or rejection of the provisions of such amendment has been submitted in accordance with the State Law and the City Charter. Upon receiving a petition signed by qualified voters in said city in number not less than ten per cent (10%) of the total number voting in the last preceding municipal election, the governing body of said city shall call an election within sixty (60) days after said petition has been filed with the governing body. If at said election a majority of votes cast shall favor the adoption of the voted proposition, said governing body shall put the provisions of the voted proposition into effect within thirty (30) days after the beginning of the first fiscal year of said city after said election.

"When an election has been held in a city pursuant to the provisions of this Article, a petition for another such election shall not be filed for at least one year subsequent to the election so held.

"Section 9. If any provisions, section, part, subsection, sentence, clause, phrase or paragraph of this amending Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision thereof, and all other provisions shall

remain valid and unaffected by an invalid portion, if any."

"Section 10. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only."

"Section 11. The importance of clarifying certain provisions of this Act, and the importance of providing for properly conducted entrance examinations and examinations for promotion for firemen and policemen in the State of Texas, and the importance of encouraging firemen and policemen to accumulate sick leave, and the importance of adequate vacations to the efficiency of firemen and policemen in Texas, and the crowded condition of the calendar create an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills shall be read on three separate days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment to the substitute was read.

Senator Hazlewood moved to table the substitute for the amendment.

The motion to table prevailed by the following vote:

Yeas—15

| | |
|-----------|----------|
| Aikin | Krueger |
| Colson | Moffett |
| Fuller | Phillips |
| Gonzalez | Reagan |
| Hardeman | Rogers |
| Hazlewood | Willis |
| Herring | Wood |
| Kazen | |

Nays—10

| | |
|-----------|-----------|
| Bracewell | Lock |
| Bradshaw | Martin |
| Fly | Parkhouse |
| Hudson | Roberts |
| Lane | Weinert |

Absent

Moore

Absent—Excused

| | |
|---------|---------|
| Ashley | Secrest |
| Owen | Smith |
| Ratliff | |

Question recurring on the amendment by Senator Hazlewood, the amendment was adopted.

(Senator Hardeman in the Chair.)

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill 79, page 5 of the printed bill, by striking out the words "and vacation" in Line No. 31 on said page, and by striking out the following language contained in Lines No. 33 and No. 34 on Page 5, to-wit: "and not more than 60 working days of accumulated vacation time."

The amendment was adopted.

(Senator Martin in the Chair.)

Senator Roberts offered the following amendment to the bill:

Amend House Bill No. 79 by adding a new section to be properly numbered to read as follows:

"Section 25 of Chapter 325, Acts of 50th Legislature, 1947, is hereby repealed."

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

(President in the Chair.)

Record of Votes

Senators Parkhouse and Fly asked to be recorded as voting "Nay" on the passage of H. B. No. 79 to third reading.

(Senator Hardeman in the Chair.)

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 235, A bill to be entitled "An Act providing grants for educational purposes to the children of

school age who are withdrawn from or withheld from public schools due to there being no separate public school provided for children of that race in the district or residence of such child, and no transfer arrangement offered to some adjoining district where a separate school for that race is provided; restricting expenditures of such grants to segregated non-sectarian private schools meeting prescribed minimum standards; prescribing penalties for violation and declaring an emergency."

(With engrossed rider.)

H. B. No. 236, A bill to be entitled "An Act authorizing and directing the Attorney General of Texas to defend certain litigation and pay the court costs, if any, incurred therein, and declaring an emergency."

(With engrossed rider.)

H. B. No. 239, A bill to be entitled "An Act to promote interracial harmony and tranquility and to that end to declare it to be the public policy of the State that the right of all people to be secure from interracial tension and unrest is vital to the health, safety and welfare of the State; to require registration of persons and organizations engaged in advocating racial integration whose activities opposing segregation of races tend to cause racial conflicts or violence, or engaged in raising or expending funds for certain purposes in connection with litigation; to require the furnishing of certain information in connection therewith; to impose penalties for violations; to permit injunctions in certain cases."

(With engrossed rider.)

H. B. No. 289, A bill to be entitled "An Act authorizing the Commissioners Courts to regulate the construction of roads or streets in subdivisions situated outside of the boundaries of incorporated towns or cities in counties having a population of not less than forty thousand (40,000) and not more than one hundred eighty nine thousand, nine hundred ninety nine (189,999), according to the last preceding or any future Federal Census; authorizing such courts to require a minimum right-of-way for such roads or streets; authorizing such courts to promulgate reasonable specifications for the construction of such roads or streets and drainage of such roads or streets; authorizing

such courts to require a bond for the proper construction and maintenance of such roads or streets to be filed with maps or plats of such subdivisions; authorizing such courts to refuse to approve or authorize maps or plats of such subdivisions upon failure to comply with the provision of this Act; repealing all laws or parts of laws in conflict with the provisions of this Act; providing a saving clause; and declaring an emergency."

(With engrossed rider.)

H. B. No. 898, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as "Jefferson County Fresh Water Supply District No. 2"; prescribing its rights, powers, privileges, and duties; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

Engrossed riders:

For H. B. No. 231.

For H. B. No. 232.

For H. B. No. 233.

H. B. No. 68, A bill to be entitled "An Act to amend Chapter 125, Acts of the 45th Legislature, 1937, as amended, (codified as Article 4243e, Vernon's Ann. Civ. St.), by adding thereto a new section numbered Section 3A, providing for the selection of Boards of Firemen's Relief and Retirement Fund Trustees in cities having a population of five hundred thousand (500,000) or more, and prescribing terms of office and an oath of office and officers for such Boards, and directing that copies of minutes of such Boards' meetings be distributed; and by amending Section 6 thereof, as last amended by Section 1 of Chapter 82, Acts of 53rd Legislature, 1953, by limiting the provisions of such section to cities having a population of less than five hundred thousand (500,000); and by adding thereto a new section numbered Section 6A, providing an additional monthly pension allowance for fully paid firemen with additional service after being entitled to retire or after twenty-five (25) years of service, or for widows of such firemen, and providing that the provisions of such section shall become applicable to a Fund only upon the vote of the

members of such Fund; and by adding thereto a new section numbered Section 6B, providing retirement and pension allowances for age and length of service for firemen in cities having a population of five hundred thousand (500,000) or more, and providing an additional pension for time of service after being entitled to retire, and limiting pensions and contributions in such cities to those of an Assistant Fire Chief; and by amending Section 7 thereof, as amended by Section 2 of Chapter 82, Acts of 53rd Legislature, 1953, by limiting the provisions of such section to cities having a population of less than five hundred thousand (500,000); and by amending Section 7A thereof, as added by Section 3 of Chapter 82, Acts of the 53rd Legislature, 1953, by limiting the provisions of such section to cities having a population of less than five hundred thousand (500,000), and by limiting to twenty (20) years the basis of the computation of the allowance provided by such section, and by decreasing the minimum allowance provided thereby for volunteer firemen or widows from Twenty-five Dollars (\$25.00) to Twelve Dollars and Fifty Cents (\$12.50), and by providing allowances for surviving minor children and, if no widow or children survive, for one surviving dependent parent of fully paid, serving firemen whose deaths are not caused in performance of duty, and making such section as amended applicable only to Funds which have heretofore voted to include this section and to those which shall hereafter so vote; and by adding thereto a new section numbered Section 7B, providing retirement and pension allowances for firemen disabled in the performance of duty in cities having a population of five hundred thousand (500,000) or more; and by adding thereto a new section numbered Section 7C, providing allowances for firemen or for the widows and children or dependent parents of firemen who die or become disabled not in the performance of duty in cities having a population of five hundred thousand (500,000) or more, and prescribing certain limits and exceptions with respect to such allowances; and by amending Section 9 thereof by providing that allowances payable under this Act shall begin when a fireman's regular duties are terminated and by requiring firemen

or their beneficiaries to elect in certain instances when more than one allowance provided by this Act would be payable; and by repealing Section 10 of said Chapter 125, Acts of the 45th Legislature, 1937, and by adding to said Act a new section numbered Section 10, providing the procedure by which a fire department which does not have a Firemen's Relief and Retirement Fund may create such a Fund; and by amending Section 10A thereof, as added by Section 1 of Chapter 201, Acts of 50th Legislature, 1947, and as amended by Section 1 of Chapter 127, Acts of 54th Legislature, 1955, by renumbering such section as Section 10A, and by providing that each city having a population of five hundred thousand (500,000) or more shall contribute to its Fund seven and one-half per cent (7½%) of its fire department payroll plus a proportionate amount for inactive but not retired members with pension certificates, and permitting contributions by such cities to match contributions made by firemen under Section 10B; and by adding thereto a new section numbered 10B, providing the procedure by which fully paid firemen may pay up unpaid contributions and receive credit for prior time of service during which such firemen did not participate in a fund by contributing thereto, and limiting the right to begin participation in a Fund to persons thirty-five (35) years of age or less at the time of beginning service as a fireman, and prescribing the procedure by which contributions by firemen shall be determined and paid into a Fund, and permitting old members of a fire department to elect not to participate in its Fund, and requiring new members of a department to participate in its Fund unless rejected or excused because not of sound health; and by amending Section 12 thereof, as amended by Section 2 of Chapter 127, Acts of 54th Legislature, 1955, by limiting the provisions of such section to cities having a population of less than five hundred thousand (500,000), and by providing a larger allowance for children if there is no widow even though there be a dependent parent, and providing that the allowance for a dependent parent shall be paid only if there be no widow or child entitled to allowance; and by adding thereto a new section numbered Section 12A, providing cer-

tain allowances for widows and children or dependent parents of members who die after being retired or entitled to an allowance or in the performance of duty in cities having a population of five hundred thousand (500,000) or more; and by amending Section 21 thereof, as amended by Section 3 of Chapter 127, Acts of the 54th Legislature, 1955, by correcting the reference to Section 10 so that such section properly refers to the new Section 10B which contains the provisions referred to; and providing that rights of persons entitled to pensions from Firemen's Relief and Retirement Funds prior to the effective date of this amending Act shall not be diminished by this amending Act; and providing a saving clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 400

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Business and Professional Women of the Assoc. of the University of Mexico; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the distinguished guests to the Members of the Senate.

House Bill on First Reading

The following bill received from the House was read first time and referred to the committee indicated:

H. B. No. 898, To the Committee on Water and Conservation.

(President in the Chair.)

Reports of Standing Committee

Senator Weinert by unanimous consent submitted the following reports:

Austin, Texas,
April 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 68, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 82, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

House Bill 4 on Second Reading

The President laid before the Senate as pending business H. B. No. 4 on its second reading and passage to third reading (the bill having been read the second time on Wednesday, April 18, 1957).

Question—Shall H. B. No. 4 be passed to third reading?

Senator Herring offered the following amendment to the bill:

Amend House Bill No. 4 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Article 177, Chapter 492, House Bill No. 6, Acts of the 52nd Legislature, 1951, being Section 177, Chapter 12 of the Election Code of the State of Texas, be and the same is hereby, amended so that said Article shall hereafter read as follows:

"Article 177. Vacancy.

"When vacancies occur in the representation of the State of Texas in the Senate of the United States, the Governor of this State shall issue writs of election to fill such vacancies at the next general election, and the person elected shall take office as soon as the votes have been canvassed, if Congress is in session, otherwise as soon as Congress shall next meet.

The Governor shall within fifteen days after a vacancy occurs make an appointment of a suitable and qualified person to represent this State in the United States Senate until the general election next occurring after such vacancy results.

"Section 2. All laws of this State in conflict herewith are hereby repealed.

"Section 3. The fact that the holding of special elections involves needless and burdensome expense to the people of Texas and many counties of this State are without funds to pay the cost of holding such special elections creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended; and that this Act take effect and be in force from and after its passage; and it is so enacted.

The amendment was read.

Senator Phillips raised the point of order that the amendment by Senator Herring was not germane to the caption of H. B. No. 4 in that H. B. No. 4 called for elections to fill the vacancy for the office of United States Senator and the amendment by Senator Herring calls for an appointment to fill the vacancy for the office of United States Senator.

The President overruled the point of order.

On motion of Senator Hazlewood the amendment was tabled by the following vote:

Yeas—17

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|-----------|----------|
| Aikin | Martin |
| Bracewell | Moffett |
| Fuller | Phillips |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Weinert |
| Kazen | Willis |
| Krueger | Wood |
| Lock | |

Nays—6

| | |
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| Bradshaw | Herring |
| Colson | Parkhouse |
| Fly | Rogers |

Absent

| | |
|--------|-------|
| Hudson | Moore |
| Lane | |

Absent—Excused

| | |
|---------|---------|
| Ashley | Secrest |
| Owen | Smith |
| Ratliff | |

Senator Bradshaw offered the following amendment to the bill:

Amend House Bill 4, Page 2, beginning after the word "Election" on Line 6, by deleting the "comma" and placing a "period" in lieu thereof and by deleting all of the language beginning with the word "the" on Line 6, and subsequent lines through line 22, so that it will read thereafter as follows:

"The Senate of the State of Texas shall elect by majority vote one of the persons receiving the largest and next largest number of votes at the Special Election. Each State Senator shall cast his vote to reflect the choice of his Senatorial District as between the two candidates receiving the largest and next largest votes. Said person elected shall serve until the next General Election. Provided further that the person elected shall take office as soon as the votes have been canvassed, if Congress is in session, otherwise as soon as Congress shall next meet."

On motion of Senator Hazlewood the amendment was tabled.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 4 by striking all of Section 4 thereof and substituting in lieu thereof the following:

"The fact that under the present law relative to the election of a United States Senator, in the event of a vacancy, the candidate with the highest number of votes succeeds to this high office, and whereas it has long been a fundamental policy of the people of Texas that candidates generally must receive a majority of all votes cast, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 4 by striking out all of Section 2 thereof.

The amendment was adopted.

Senator Gonzalez offered the following amendment to the bill:

Amend House Bill 4 by striking out the words "thirty nor more than forty days," in Section 5, Line 10, and inserting therefor the words, "Fifteen days nor more than twenty-one days."

On motion of Senator Hazlewood the amendment was tabled.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 4 on Third Reading

Senator Hazlewood moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

| | |
|-----------|-----------|
| Aikin | Martin |
| Bracewell | Moffett |
| Colson | Parkhouse |
| Fly | Phillips |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Kazen | Weinert |
| Krueger | Willis |
| Lane | Wood |
| Lock | |

Nays—2

| | |
|----------|---------|
| Bradshaw | Herring |
|----------|---------|

Absent

| | |
|--------|-------|
| Fuller | Moore |
| Hudson | |

Absent—Excused

| | |
|---------|---------|
| Ashley | Secrest |
| Owen | Smith |
| Ratliff | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Moffett asked to be recorded as voting "Yea" on the final passage of H. B. No. 4.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 898, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

Senator Gonzalez submitted the following report:

Austin, Texas,
April 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 458, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GONZALES, Vice-Chairman.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 498, To Committee on Jurisprudence.

H. B. No. 541, To Committee on Transportation.

H. B. No. 551, To Committee on Education.

H. B. No. 448, To Committee on Counties, Cities and Towns.

H. B. No. 375, To Committee on Jurisprudence.

H. B. No. 235, To Committee on State Affairs.

H. B. No. 236, To Committee on State Affairs.

H. B. No. 239, To Committee on State Affairs.

H. B. No. 68, To Committee on State Affairs.

H. B. No. 289, To Committee on Counties, Cities and Towns.

Senate and House Bills Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. No. 453 was ordered not printed.

On motion of Senator Hazlewood and by unanimous consent H. B. No. 171 was ordered not printed.

On motion of Senator Martin and by unanimous consent H. B. No. 898 was ordered not printed.

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, April 22, 1957.

Senator Kazen moved that the Senate stand adjourned until 10:30 o'clock a.m. on Tuesday, April 23, 1957.

Question first on the motion by Senator Kazen, the motion prevailed by the following vote:

Yeas—13

| | |
|-----------|---------|
| Bracewell | Krueger |
| Bradshaw | Lock |
| Fly | Reagan |
| Gonzalez | Roberts |
| Hazlewood | Rogers |
| Herring | Wood |
| Kazen | |

Nays—10

| | |
|----------|-----------|
| Aikin | Moffett |
| Colson | Parkhouse |
| Hardeman | Phillips |
| Lane | Weinert |
| Martin | Willis |

Absent

| | |
|--------|-------|
| Fuller | Moore |
| Hudson | |

Absent—Excused

| | |
|---------|---------|
| Ashley | Secrest |
| Owen | Smith |
| Ratliff | |

Accordingly the Senate at 12:54 o'clock p.m. adjourned until Tuesday, April 23, 1957.